

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARY LEE STOKES,

Petitioner,

Civil No. 2:13-CV-13593

HONORABLE GEORGE CARAM STEEH

v.

CATHERINE BAUMAN,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S MOTION FOR
RELEASE ON PERSONAL RECOGNIZANCE BOND (Dkt. 16)**

Cary Lee Stokes, ("Petitioner"), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 30, 2014, the Court granted petitioner's motion to hold the petition for writ of habeas corpus in abeyance so that petitioner could return to the state courts to present additional claims that had not been exhausted with the state courts. The Court also administratively closed the case. See *Stokes v. Bauman*, No. 2:13-CV-13593, 2014 WL 1746126 (E.D. Mich. Apr. 30, 2014).

Petitioner has now filed a motion for release on personal recognizance bond. For the reasons that follow, the motion is DENIED.

To receive bond pending a decision on the merits of a habeas corpus petition, a petitioner must show a substantial claim of law based on the facts and exceptional circumstances justifying special treatment in the interest of justice.

Lee v. Jabe, 989 F.2d 869, 871 (6th Cir. 1993)(*quoting Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990)); *see also Nash v. Eberlin*, 437 F.3d 519, 526, n. 10 (6th Cir. 2006). There will be few occasions where a habeas petitioner meets this standard. *Dotson*, 900 F.2d at 79. Federal courts may grant bail when granting the writ. *See Sizemore v. District Court*, 735 F.2d 204, 208 (6th Cir. 1984). By implication, a federal court should not grant bail under other circumstances. In addition, it is improper to admit a habeas petitioner to bail prior to the exhaustion of state remedies absent the showing of extraordinary circumstances. *Lucas v. Hadden*, 790 F.2d 365, 367-68 (3rd Cir. 1986). Accordingly, the Court will deny petitioner's request for release on bond.

IT IS HEREBY ORDERED that the "Motion for Release on Conditional Personal Recognizance" [Dkt. # 16] is DENIED.

Dated: April 2, 2015

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 2, 2015, by electronic and/or ordinary mail and also on Cary Stokes #257050, Newberry Correctional Facility, 3001 Newberry Avenue, Newberry, MI 49868.

s/Barbara Radke
Deputy Clerk